

IN THE COUNTY COURT OF VICTORIA
AT MELBOURNE
CRIMINAL JURISDICTION

Revised
Not Restricted
Suitable for Publication

Case No. CR-18-00115
CR-18-00118

DIRECTOR OF PUBLIC PROSECUTIONS

v

GLENN HARTLAND

JUDGE: HIS HONOUR JUDGE HIGHAM
WHERE HELD: Melbourne
DATE OF HEARING: 29 April 2019
DATE OF SENTENCE: 10 May 2019
CASE MAY BE CITED AS: DPP v Hartland
MEDIUM NEUTRAL CITATION: [2019] VCC 628

REASONS FOR SENTENCE

Subject: CRIMINAL LAW
Catchwords: Sentence – plea of guilty – rape – indecent assault – use a carriage service to harass – no relevant prior convictions – four victims – family violence – grave offending – serious sexual offender – lack of remorse – narcissistic personality disorder – high risk of reoffending – totality – protection of the community – general deterrence – specific deterrence – denunciation – just punishment
Legislation Cited: *Crimes Act 1958; Sentencing Act 1991; Sex Offenders Registration Act 2004*
Cases Cited: *R v Verdins; R v Buckley; R v Vo* [2007] VSCA 102
Sentence: Total effective sentence of 14 years and 9 months' imprisonment with a non-parole period of 11 years.

<u>APPEARANCES:</u>	<u>Counsel</u>	<u>Solicitors</u>
For the Director of Public Prosecutions	Mr A McKenry	Solicitor for Public Prosecutions
For the Accused	Mr G Barns	James Dowsley & Associates

HIS HONOUR:

- 1 Glenn Hartland, you have pleaded guilty to Indictment H11321655.1 comprising three charges of rape, for which the maximum penalty is a term of imprisonment of 25 years, and one charge of indecent assault, for which the maximum penalty is a term of imprisonment of 10 years, and to Indictment G12396697 comprising one charge of using a carriage service to harass, for which the maximum penalty is a term of imprisonment of three years.
- 2 You have also pleaded guilty to summary charge 2, distribution of an intimate image, for which the maximum penalty is a term of imprisonment of two years and summary charges 3 and 7, contravening a family violence intervention order, for which the maximum penalty is a term of imprisonment of two years or a fine of not more than 240 penalty units or both.
- 3 Tendered on the plea as Exhibit 1 was a summary of prosecution opening. That summary was an agreed statement of facts.
- 4 The circumstances of your offending were as follows.
- 5 You had met all four of your victims on Tinder, an online dating and hook up application. All had been in relatively short intimate relationships with you immediately prior to your offending against them.
- 6 You were in a relationship with Ms Stacey Eaton¹ between January and June 2014.
- 7 One morning between 1 and 15 May 2014, you and Ms Eaton were at a café in South Yarra. She told you she wanted to end the relationship and walked out of the café and towards her home. You followed her home, screaming, grabbing at her and asking her to talk to you, to which she refused. She eventually let you into her home, worried her neighbours would hear the commotion.

¹ Stacey Eaton is a pseudonym.

- 8 Once inside, you pinned Ms Eaton up against the living room door and began to strangle her. She begged you to let go of her; you did so and left. You were still outside her apartment when she left for work shortly afterwards and she allowed you to drive her to work.
- 9 Later that day, you arrived back at Ms Eaton's apartment, having said earlier that day that you would come over to work things out. Ms Eaton opened the door, you entered, embraced her and pushed her into her bedroom and onto the bed. You started kissing her, and when she resisted and tried to sit up, you pushed your body weight onto her, pinning her down. Ms Eaton was crying as you ripped her stockings off and inserted your penis into her vagina, causing her pain. These are the facts underpinning charge 1, rape. You thrust your penis inside Ms Eaton before removing your penis and ejaculating onto the front of her dress. You then said, "You can call that the Monica Lewinsky dress". Ms Eaton went into the bathroom and you left her apartment.
- 10 Ms Eaton's attempts to end your relationship were met with threats of self-harm, and the relationship ended approximately one month later.
- 11 You were in a relationship with Ms Amy Griffin² between July 2014 and October 2014.
- 12 On the morning of 4 October 2014, Ms Griffin contacted you via email about a pair of your jeans she had in her possession, and agreed that you could come and collect them from her apartment. At approximately 11pm, you arrived at her apartment, having been driven there by your fiancé, Ms Leila Harrington³. She waited in the car. You entered the apartment and attempted to kiss and touch Ms Griffin. She told you repeatedly to stop. Ms Griffin followed you as you walked around her apartment and into her bedroom. Ms Griffin sat on the end of the bed and you stood over her, removed her pants and underwear, and forcefully thrust your penis into her vagina. These facts underpin charge 2, rape.

² Amy Griffin is a pseudonym.

³ Leila Harrington is a pseudonym.

- You ejaculated inside Ms Griffin's vagina and said, "That's for talking to your buddy". You left the apartment and went back to Ms Harrington waiting in the car. Ms Griffin contacted police.
- 13 You were in a relationship with Ms Lauren Wheeler⁴ in March 2015 for approximately one month.
- 14 On 27 March 2015, you were at the George Hotel in St Kilda with Ms Wheeler and two other friends. Ms Wheeler went to the bathroom, and you followed her inside. You asked to be let into her cubicle, and she opened the door and informed you that she was leaving the pub. You forced Ms Wheeler back into the cubicle and pinned her up against the door, which was now closed, restraining her arms. You tried to kiss her and coax her into having sex with you in the cubicle, to which she refused. You put your hands down the front of Ms Wheeler's jeans and ripped her underwear off, causing her great pain. This is the basis of charge 3, indecent assault.
- 15 Ms Wheeler managed to escape the cubicle, and you followed with her underwear in your possession. She went back out into the pub to collect her bag, preparing to leave the bar. You tried to convince her to stay. She asked for her underwear back; you refused. You held Ms Wheeler's underwear up to your male companion's nose before you left the bar still with the underwear in your possession. The relationship ended shortly afterwards.
- 16 You were in a relationship with Ms Chloe Baxter⁵ between January 2016 and June 2016.
- 17 On 12 March 2016, you were at Ms Baxter's apartment arguing and a physical altercation occurred. Later that evening, you stood over her, saying "do you want me to give you break up sex? Do you?", and started to hit yourself, saying "what are you doing to me? You hit me". Ms Baxter called police after you began

⁴ Lauren Wheeler is a pseudonym.

⁵ Chloe Baxter is a pseudonym.

- to threaten suicide, and when the police arrived, you pretended to be asleep and assured them everything was fine. You left the apartment shortly afterwards.
- 18 The next morning, 13 March 2016, you attended at Ms Baxter's apartment again to collect your belongings. She was lying on her bed and you were sitting on the bed, talking about how you needed to get help for your behaviour, and Ms Baxter expressed her support. You hugged Ms Baxter, and you then got on top of her and started kissing her. Ms Baxter said "no, I don't want to, no, stop" and began to cry. You continued to kiss her and pinned her down by her arms. You lifted her dress up around her waist, removed your jeans and underwear, pulled her underwear aside and inserted your penis into her vagina. These facts underpin charge 4, rape. As Ms Baxter lay on the bed crying, you repeatedly thrust your penis inside her vagina, causing her pain, before ejaculating inside her.
- 19 You got up and said, "I don't know why I just did that". You then met Ms Harrington outside and drove off.
- 20 Between 21 February 2016 and 22 April 2016, you sent messages of a harassing nature to Ms Baxter, including "fuck you both I'm gone, I'll kill myself before I ever say another word to you bitches again", "I'm going to kill myself tonight Chloe I'm sure you will be fine with that", and other threats of self-harm and suicide. These messages underpin the charge of using a carriage service to harass.
- 21 On 27 April 2016, you sent two images and two videos of yourself and Ms Baxter engaging in sexual activities to two of your male friends. Ms Baxter did not consent to their distribution. This is the basis of summary charge 2, distributing an intimate image without consent.
- 22 Your relationship with Ms Baxter ended in June 2016. On 27 June 2016, Melbourne Magistrates' Court granted a final intervention order against you

- which prohibited you, amongst other things, from publishing any material online or by electronic communication about the protected person, Ms Baxter.
- 23 On 14 July 2016, you posted on your Facebook, “if anyone on my facebook gets messages from my ex Chloe Baxter please let me know cheers”. This post underpins summary charge 3, contravening a family violence intervention order.
- 24 On 12 August 2016, you sent three abusive text messages to a man known to both you and Ms Baxter, denying that you distributed the intimate images of Ms Baxter and accusing him of having stolen the images off your phone and of sleeping with Ms Baxter. You concluded “don’t worry you will see me again”. These texts underpin summary charge 7, contravening a family violence intervention order.
- 25 Victim impact statements in respect of all of your victims were tendered on the plea. Ms Griffin had taken her own life and her brother wrote of the observed impact of your offending upon her. In this court, you are not held responsible for the tragic decision of your victim.
- 26 Ms Eaton in her victim impact statement (Exhibit 2) wrote:
- “Prior to the crimes, I was a confident, proud, strong, successful and happy woman in my late thirties. In the period immediately after the crime I felt very confused, stupid, ashamed, and questioned my own judgement of people. My self-esteem plummeted. I became withdrawn and rarely left my apartment on weekends when I was in Melbourne. I spent two years very much on my own, trying to rebuild myself and my self-esteem and my trust people, especially men. I felt like my spirit had been broken and struggled to see how my life would ever be back to ‘normal’ again.”
- 27 Unbeknownst to her, she was experiencing symptoms of depression and post-traumatic stress disorder.
- “It has now been approximately four years since the crime and I feel like my recovery hasn’t even started yet.”
- 28 She concludes:
- “I refuse to be defined by this horrible chapter in my life. I am determined to heal. It will take a long time, but I will do it.”

29 Mr Shaun Griffin⁶ in his victim impact statement (Exhibit 3) wrote:

“The crime carried out against my sister Amy, not only severely impacted Amy physically, but had a profoundly negative impact on her mental health. My sister was a very proud woman, proud of her beliefs and proud of her career. After the crime against her, our Amy was not that same proud woman. She had always struggled with emotional issues from time to time, however the crime against her had definitely amplified her anxiety, angst and caused Amy to slide into bouts of depression. She began drinking heavily and as a result this would cause Amy to slide into deeper stages of depression. The toll the crime has caused is unmeasurable.”

30 Ms Wheeler in her victim impact statement (Exhibit 6) wrote:

“I was once a free and independent person who was strong and forthright. Being strong-willed and smart was no protection from you.”

31 She details in stark terms the impact of your offending upon her relationship with her son, of the stress, of the fear that you are following her, of her interrupted sleep and the changes to the routine of her life which she had taken for granted such as walking on the beach.

“I have been completely disempowered by this experience, I stay at home binge watching Netflix because I am paralysed to do anything else that would mean I need to take a risk to leave the house. I cannot continue to live with this fear and I cannot expect my son to live like this. It is grossly unfair and fills me with anxiety knowing this is happening but I am powerless to feel safe.”

32 As for the future, she writes:

“But mostly I want to feel like my life matters and has meaning instead of feeling like I am a prisoner fighting for her life.”

33 Ms Baxter in her victim impact statement (Exhibit 5) wrote:

“When I met him I was in a vulnerable place. I experienced a controlling, manipulative and abusive relationship which involved emotional, financial, physical and sexual abuse. His anger, extreme mood swings, frequent loss of temper and threats of self-harm and suicide, contrasted with grandiose romantic gestures, lavish flattery and overwhelming charm, have left me with deep emotional trauma. I don’t know how I will ever trust or love again. I was always blamed by him, told it was my fault and that I deserved it.”

34 She tells of her constant feeling of uncertainty and fear, especially when leaving her apartment. She has been diagnosed with anxiety, depression and severe

⁶ Shaun Griffin is a pseudonym.

insomnia and has attended specialised counselling to deal with your offending and the lasting impact upon her sense of self and how she interacts with the world.

35 Whilst it cannot be permitted to overwhelm the sentencing exercise, the impact upon your victims of your offending has been lasting and deeply traumatic. It has reduced strong, confident and empowered women to fearful and uncertain shells of their former selves.

36 I turn now to your personal circumstances.

37 You were born on 15 September 1974 and were therefore between the ages of 39 and 41 at the time of your offending. You are now aged 44.

38 You have no relevant prior criminal matters.

39 You were born in New Zealand and by the age of 12 months were made a ward of the state. Your mother moved to Australia in 1979, leaving you behind. There followed a succession of failed placements in foster and group homes. At the age of seven you were placed with your mother who was then living in Western Australia. This placement also broke down. There was a successful placement in 1982 with a couple who effectively became your parents. Thereafter you had little if any contact with your birth mother.

40 A case note, part of Exhibit 14GH, makes clear that you began displaying problematic behaviour. I do not repeat the details. A case conference note on 27 January 1989 stated,

“The damage resulting from Glenn’s earlier life experience is real and while becoming less significant, may always be a factor in his behaviour. It is recognised that Glenn is distractible, borderline hyperactive and to some extent stunted in terms of his social, ethical and moral development. He is also a normal and likeable young man in many ways.”

41 You left school in 1989 without completing year 12; you excelled at sport but struggled academically. On leaving school, you lived in a number of youth homes and became a professional lifeguard.

- 42 You moved from Western Australia via Tasmania to Melbourne where you eventually set up a snowboarding company in 2016, after having worked for an employment consultant and as a courier. You report suffering a diving accident in 2012 and also self-report a history of sexual abuse in your childhood and adolescent years. There is no independent support for such an assertion.
- 43 In 2001 you married and divorced a few years later. Your second significant relationship was with Ms Leila Harrington. It was either the breakdown of this relationship in 2014 or its inability to fully satisfy your sexual needs that prompted your presence in the online dating world where you met all of your victims. I am told that Ms Harrington remains a support in your life.
- 44 Since your arrest on this matter you have begun attending a local church, have found faith; Exhibit 11GH was a bundle of four references from other church members.
- 45 Exhibit 9GH was a report of Mr Edwin Kleynhans, psychologist dated 25 March 2019. In that report he detailed the sessions he had with you between March 2018 and March 2019.
- 46 Exhibit 10GH was a report from Dr Matthew Barth, psychologist dated 18 April 2019 who assessed you over two days in March 2019.
- 47 Dr Barth described you as a very difficult man to assess. The results to formal psychological testing were extremely distorted with a consistent tendency for you to present a markedly disordered and pathological picture of yourself. Your results on the administered psychological tests were not used by Dr Barth as a basis for any clinical inference.
- 48 Dr Barth confirms your disrupted childhood and self-report of sexual abuse. You reported regular abuse of alcohol and drugs, stating “I became immersed in that party lifestyle of sex and drugs.” Your reported substance related problems were sufficiently severe to warrant a diagnosis by Dr Barth of alcohol use and

stimulant use disorder in remission.

- 49 Dr Barth estimated your intelligence falls in the normal range. Dr Barth noted your reported history of contact with mental health professionals, your recurrent bouts of suicidal ideation, frequent cutting and other flamboyant gestures of self-harm. As to your mental health, Dr Barth concluded that the most salient aspect of your presentation was your emotional distress. This was a direct reaction to the stress of your ongoing legal matters. Dr Barth's opinion was that your current symptoms are likely to be sufficiently severe to warrant a diagnosis of an adjustment disorder: -

"He is at some risk of developing more intense depressive symptoms during the period following sentencing. It will be important that Mr Hartland be provided with close monitoring by mental health professional."

- 50 Significantly, Dr Barth stated:

"The most fundamental issue of significance in Mr Hartland's psychological condition is the severe disorder of his personality. His experiences of rejection and abandonment from his mother culminated in the defective development of his sense of self identity from a young age. He has overcompensated for this by seeking attention and approval from others by any means necessary, which has ultimately led to him engaging in inappropriate and deceptive behaviour in order to gain the admiration he so deeply desires. These behaviours were evident during his childhood and have continued unabated during his adolescent and adult years."

- 51 One consequence of this personality disorder is that you are impulsive and quick tempered, prone to making poor decisions and to choose a course of action based on short-term considerations, such as anger, excitement or pleasure rather than on long-term impacts. In Dr Barth's view you present with a clear personality pathology and he diagnoses you with a narcissistic personality disorder with borderline features.

- 52 You were unable to provide a coherent explanation for your offending and indicated your intention to change your plea as it had only been entered on the basis of legal advice. From information provided to him Dr Barth states:

"It appears that Mr Hartland offended during periods when he felt rejected and dejected in his relationships with the complainants. He therefore engaged in forced sexual behaviour with the complainant as a means of

overcompensating for his intense feelings of inadequacy by reasserting his sexual prowess and dominance with an unconsenting partner. Clearly this behaviour is very dysfunctional and harmful.

In short, there is a clear need for Mr Hartland to participate in intense offence specific treatment to address the dysfunctional elements of his sexual adjustment to gain insight into his offending behaviour and develop empathy for the suffering of the complainants. This treatment should be completed at the earliest opportunity.”

53 Dr Barth conducted a risk assessment of recidivism for sexual offending using the standard assessment tools. Dr Barth’s conclusion was

“As a result of the historical, dynamic and protective factors identified by the risk of sexual violence protocol, Mr Hartland’s risk of sexual recidivism is confirmed as falling in the high risk category. He should participate in intensive specialist sex offender treatment as a matter of urgency.”

54 He set out the particular treatment needs relevant to your case and noted that it is likely you would experience difficulties when in a custodial environment, and that you may be at risk of experiencing further deterioration in your moods in the immediate aftermath of sentence. You would need to be monitored by mental health professionals so that you are protected from any potential acts of self-harm.

55 I turn to the submissions of counsel.

56 Your counsel, Mr Barns, conceded that your offending was serious but was absent those features so often found in contact sexual offences. As to the online offending, the harassment did not contain threats of violence against victim. Whilst this may be true, the messaging included threats of self-harm, sufficient to constitute family violence.

57 Mr Barns conceded the serious nature of distributing an intimate image online and contravening family violence intervention orders.

58 He referred to the diagnosis of your personality disorder and submitted your offending was linked to this disordered personality, which could be traced to your dysfunctional childhood.

- 59 Mr Barns urged upon the court your plea of guilty, which brings with it the utilitarian value of saving the community the time, expense and trauma of a trial. You indicated an early plea to the charge of using a carriage service to harass, however Mr Barns conceded that your plea to the contact sexual offences was entered very late in the day.
- 60 He referred to your disadvantaged childhood and adolescence, with successive placements and removals from both your mother and various foster homes. He submitted that in accordance with established principle, your disadvantaged childhood reduced to some extent your moral culpability for your offending, but may elevate the weight to be given to principles of specific deterrence and protection of the community.
- 61 Your diagnosed depression and personality disorders were relevant to your incarceration. He submitted principles five and six of the well-known case of *Verdins*⁷ were engaged.
- 62 He recognised that on charge 4, you were to be sentenced as a serious sexual offender with the presumption of cumulation. In mitigation of full cumulation he urged upon me your absence of any prior convictions for sexual offences and the principle of totality which, he submitted, may be reduced but is not eliminated.
- 63 Mr McKenry, on behalf the prosecution, submitted that this was serious offending over a period in excess of two years involving four victims. The impact of your offending upon your victims has been enduring, long-standing and traumatic.
- 64 He accepted there should be some moderation of your sentence in light of your depressive diagnosis.
- 65 He accepted there is utilitarian value to your plea but observed that the

⁷ *R v Verdins; R v Buckley; R v Vo* [2007] VSCA 102.

- prosecution case against you was strong.
- 66 He submitted that general and specific deterrence must loom large in the sentencing process; that just punishment demanded an immediate and significant term of imprisonment.
- 67 He reminded me that on charge 4, rape, protection of the community must be the principal sentencing purpose.
- 68 He submitted that there should be significant cumulation in order to affect that purpose subject to the principle of totality.
- 69 I turn now to the seriousness of the offending.
- 70 This was grave offending indeed, against four victims over a period in excess of two years. It was driven, I find, by your entrenched personality disorder.
- 71 You met all of your victims through dating apps where people seek partners either for transactional sexual encounters or more meaningful relationships. Such an online world provides a fertile landscape in which predators can roam. Once your victims fell into your orbit, they were made hostage to your dysfunctional personality. Their only purpose was to serve your self-aggrandizing and manipulative emotional and sexual needs. If, at any time, they expressed a wish to end the relationship you resorted to anger or you threatened self-harm or suicide. Such threats constitute family violence. The text messages that you sent which underpin the charge of using a carriage service to harass, starkly reveal both your self-obsession and a bleak misogyny.
- 72 All three of the rapes comprised penile/vaginal penetration. They were absent some of those aggravating features so often encountered in these courts. Whilst verbal and physical aggression was used, including intimidation and, in the case of Ms Baxter, strangling, there was no physical assault to other parts of the body. They did not involve the use of weapons. There was no protracted assault or confinement, nor the infliction of other degrading acts. You were not a

stranger to your victims. However, no condom was used and in charges 2 and 4, you ejaculated inside your victims. These are aggravating features of your offending, as your counsel recognised. In addition, your counsel accepted that the distribution of intimate pictures of Ms Baxter whilst your sex offending against her was being investigated was a further aggravating feature. In relation to Ms Eaton, you withdrew before climax and ejaculated over her dress. Your comment in relation to the “Monica Lewinsky dress” was callous and mocking. It shows your full awareness of the act that you had just committed.

73 Mr Hartland, rape is a most serious offence, as is clear from the maximum penalty imposed by Parliament. Rape has nothing to do with desire or sexual attraction. It is a crime of invasive violence. It uses the physical expressions of intimacy to exert power, control and dominance. That such was your purpose is clear from the statements made by your victims as to the assertive thrusting which you deployed once you were inside them. When used against an intimate partner, it is a betrayal of any loving, mutual or respectful relationship. It constitutes family violence.

74 The indecent assault was a serious example of the offence. Ms Wheeler was in essence confined by you in the toilet cubicle and was there subjected to your insistent demands that she have sex with you. She made clear to you her lack of consent but you continued, putting your hands down the front of her jeans and ripping her underwear off before leaving the cubicle and taking the underwear with you. That was not the end of her ordeal, for you returned to your friends and held her underwear under the nose of your male companion in full view of everyone around. You brandished them as a trophy. Your sole intent was to inflict further humiliation and indignity upon your victim.

75 Summary charge 2, distribution of an intimate image, is another example of your misogyny and is a serious offence. The images were sent unsolicited to other men, thus within that online space, a woman is demeaned for the benefit of men. It represents an online violation calculated to cause maximum distress to

the victim. You knew you did not have your victim's consent, yet you published the images and, once uploaded, the images are permanently published.

76 Summary charge 7, contravention of a family violence intervention order, is a serious matter. In the face of a final family violence intervention order made on 26 June 2016 and made with conditions expressly designed to give protection and anonymity to your victim, you continued to flagrantly breach the order, using the name of your victim in pursuit of your personal vendettas with other males.

77 The sentencing process of the court is not about revenge or retribution on behalf of the victims of your offending. In sentencing you, I must have regard to a range of different factors. I am required by law to pass no longer sentence than is appropriate. I must give effect to the principal of general deterrence, that is, to deter others from behaving as you did, and to specific deterrence, that is, to deter you from ever repeating such offending. I must give effect to protection of the community. I must express the community's denunciation of your conduct. I must take into account the effect of your crimes upon your victims. I must have regard to current sentencing practices and to the statutory maximum penalties for the offences to which you have pleaded guilty. I must ensure, as far as possible, that you are rehabilitated and reintegrated into society. In short, I must try to balance your personal circumstances with the circumstances of your offending.

78 In your case, principles of general and specific deterrence, denunciation, protection of the community and just punishment all are to the fore in the exercise of my sentencing discretion.

79 Your plea of guilty brings with it the utilitarian benefit of saving to the community the time, cost and trauma of a trial, and I give you credit for your plea to reflect that utilitarian benefit. However, as your counsel has recognised, it was a late plea. In your record of interview on 27 January 2017, you denied any sexual offending and insisted all of the sex between you and your victims had been

consensual. That was, of course, your right. You were charged in relation to the contact sexual offences on 2 May 2017. There was a committal hearing between 15 and 19 January 2018 at which all of your victims were cross-examined on your behalf. Those matters ostensibly resolved and on 22 October 2018 you pleaded guilty to Indictment H11321655.1 and a plea date was set for 29 March 2019. On 25 March 2019 you indicated to the court that you wished to change your plea. Accordingly, the plea date was vacated and your victims were left wondering whether they would now have to give evidence at a trial of these matters. On 9 April 2019 you withdrew your application and your plea was heard on 29 April 2019.

80 Mr Kleynhans' report (Exhibit 9GH) confirms that whilst ostensibly seeking counselling to help you address your issues, you painted a picture of your victims as drug users and up to the 21 March 2019, persisted in your denial of offending. Mr Hartland, you are not to be punished for exercising your fair trial rights nor for denying the offending. However, it does reduce, in my view, the weight to be given to your plea and directly impacts my assessment of your remorse and any prospects of rehabilitation.

81 I accept on the material in front of me that the combination of your personality disorder and reactive depression may make your time in prison more burdensome for you. I also accept and, in accordance with authority, give weight to the fact that you had a childhood to which no child should be exposed.

82 You have demonstrated no remorse for your offending and no insight. You told your counsel that after hearing the victim impacts statements on the plea, 'the penny has finally dropped'. I can make no assessment as to your prospects of rehabilitation. As your counsel conceded, they are entirely dependent upon your successful engagement in long-term intensive treatment.

83 On charge 4, I am required to sentence you as a serious sexual offender. I am required by law to regard the protection of the community from you as the

principle purpose for which that sentence is imposed. I find on the material in front of me that you are a high risk of sexual reoffending. Women need protection from you and the courts must do everything in their power in accordance with established sentencing principles to afford that protection. I have moderated to some extent the orders for cumulation I would otherwise have made in light of the sentencing principle of totality.

- 84 The only appropriate sentence in your case is a very substantial term of imprisonment.
- 85 On Indictment H11321655.1, charge 1, the rape of Stacey Eaton, you are sentenced to a term of imprisonment of six years and three months.
- 86 On charge 2, rape of Amy Griffin, you are sentenced to a term of imprisonment of six years and six months.
- 87 On charge 3, indecent assault of Lauren Wheeler, you are sentenced to a term of imprisonment of two years and nine months.
- 88 On charge 4, rape of Chloe Baxter, you are sentenced to a term of imprisonment of six years and nine months.
- 89 On Indictment G12396697, charge 1, using a carriage service to harass Chloe Baxter, you are sentenced to a term of imprisonment of eight months.
- 90 On summary charge 2, distribution of intimate image, you are sentenced to a term of imprisonment of twelve months.
- 91 On summary charge 3, contravention of a family violence intervention order, you are sentenced to a term of imprisonment of two months.
- 92 On summary charge 7, contravention of a family violence intervention order, you are sentenced to a term of imprisonment of eight months.
- 93 I order that three years of the sentence on charge 1, three years of the sentence

on charge 2, one year of the sentence on charge 3 (Indictment H11321655.1), three months of the sentence on the charge of using a carriage service to harass (Indictment G12396697), six months of the sentence on summary charge 2 and three months of the sentence on summary charge 7 run cumulative to the sentence on charge 4 (Indictment H11321655.1) and cumulative to each other.

94 This makes a total effective sentence of 14 years and 9 months' imprisonment.

95 I fix a non-parole period of 11 years.

96 On charge 4 on Indictment H11321655.1, you are sentenced as serious sexual offender and I direct that this be entered into the records of the court.

97 Pursuant to s.6AAA of the *Sentencing Act* 1991, had you not pleaded guilty, you would have been sentenced to a total effective sentence of 19 years' imprisonment with a non-parole period of 15 years and 6 months.

98 Pursuant to s.18(4) of the *Sentencing Act* 1991, I declare that you have served 31 days of the sentence I have passed upon you and direct that this be entered into the records of the court.

99 I am satisfied beyond reasonable doubt that you pose a risk to the sexual safety of one or more persons of the community, in particular, of persons with whom you enter into an intimate relationship. I exercise my discretion under s.11(1) of the *Sex Offenders Registration Act* 2004 and order that you comply with the reporting obligations of the Act. You are now a registrable offender. Pursuant to s.34(1)(c)(i) and (ii) of the Act, the reporting period is for the rest of your life.